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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danishefsky *et al.* Examiner: Solola, T. A.
Serial No.: 10/695,582 Art Unit: 1626
Filing Date: May 9, 2003
Title: Synthesis of Epothilones, Intermediates Thereto and Analogues Thereof

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER
(37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

I, C. Hunter Baker,

(a) represent that I am

☐ an inventor of this invention.

☐ an assignee of this invention.

WARNING: *"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.*

☐ a representative authorized to sign on behalf of the assignee identified below.

WARNING: *See the above "WARNING".*

☒ an attorney of record for this invention.

NOTE: *The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.
(if applicable)*

The assignees is:

Name of first assignee: Sloan-Kettering Institute for Cancer Research

Address of first assignee: 1275 York Avenue, New York, New York 10021

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Title of disclaimant authorized to sign on behalf of assignee: _____

Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:
(state the exact interest of the disclaimant)

Recordal of Assignment in PTO

(if applicable)

- ☒ The assignments were recorded in the parent application U.S.S.N. 08/986,025 on: June 4, 1998 and February 9, 1998.

Reel: 9234 and 9008

Frame: 0239 and 0728

- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or
☐ FORM PTO 1595 is also attached.

Establishing Right of Assignee to Take Action

(if applicable)

- ☒ Attached is a CERTIFICATE UNDER 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action in this case.
- ☐ A CERTIFICATE UNDER 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action in this case was previously filed on: _____.

Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of:

- ☒ United States Patent No. 6,828,340, as presently shortened by any terminal disclaimer,

☐ Any patent granted on application number _____,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to

☒ United States Patent No. 6,828,340,

☐ Any patent granted on application number _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of:

☒ United States Patent No. 6,828,340, as presently shortened by any terminal disclaimer,

☐ Any patent granted on application number _____,

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fee Status

(37 C.F.R. § 1.20(d))

☒ Other than a small entity—fee \$130.00

☐ Small entity—fee \$65.00.

Fee Payment

☒ Attached is a check in the sum of \$130.00.

☒ Charge Account 03-1721 for any fee deficiency.

☐ Charge Deposit Account _____ the sum of \$_____.

A duplicate of this disclaimer is attached.

The PTO did not receive the following
listed item(s) A check for \$130.00




Declaration

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: September 21, 2005


C. Hunter Baker, M.D., Ph.D.
Registration Number: 46,533

CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110
tel: (617) 248-5215
fax: (617) 248-4000
email: chb@choate.com

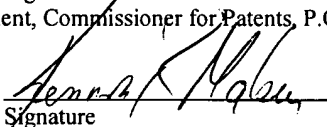
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Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 145 Alexandria, VA 22313-1450.

September 21, 2005

Date


Signature

Kenneth R. Maben

Typed or Printed Name of person signing certificate